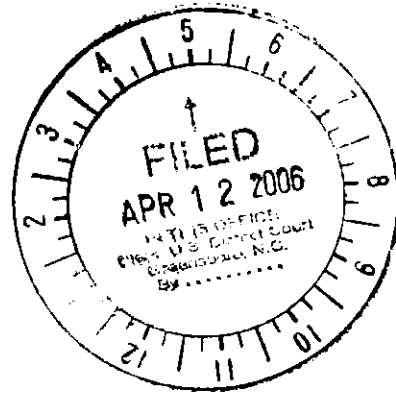


UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA
Misc. No. 1:06 MC 46



THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

Case No. 2:03CV0294DAK (pending in the
District Court of Utah before Judge Dale A.
Kimball)

MOTION TO ENFORCE SUBPOENA AND COMPEL DEPOSITION

Pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure, Plaintiff, The SCO Group, Inc. ("SCO"), moves the Court for an Order enforcing the subpoena served on non-party Otis Wilson and compelling Mr. Wilson's deposition.

In support of this Motion, the Affidavit of Service of the Subpoena on Mr. Wilson is attached as Exhibit A.

In further support of this Motion, SCO contemporaneously submits its Memorandum of Law pursuant to Local Rule 7.3(a).

Pursuant to Local Rule 26.1(c), the undersigned certifies that counsel for SOC and counsel for IBM and/or Mr. Wilson had various discussions and exchanged correspondence in February, March, and April in an attempt to resolve their differences. After diligent attempts to resolve differences, the parties were unable to reach an accord. Having been unable to resolve the scheduling of Mr. Wilson's deposition pursuant to the January 2006 subpoena, SOC files this motion.

This the 12th day of April, 2006.

Robert R. Marcus by HHW

Robert R. Marcus
N.C. State Bar No. 20041
Heather H. Wright
N.C. State Bar No. 28874

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Attorneys for The SCO Group, Inc.

CERTIFICATE OF SERVICE

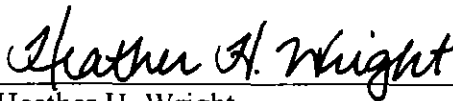
The SCO Group, Inc. hereby certifies that a true and correct copy of the foregoing was served by facsimile and first-class mail on International Business Machines Corporation and counsel for Otis Wilson as follows:

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This the 12th day of April, 2006.



Heather H. Wright